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BY ECF

Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

RE: **USA v. Roy Reyes**
23 Cr. 459 (DLC)

*Granted. The Government:
response is due 1/29/24*

*Denise Cote
1/16/24*

Dear Judge Cote:


As the Court is aware, I am CJA-appointed counsel for the defendant Roy Reyes, in the above referenced matter. At the initial conference for this matter the Court set a motion schedule which included a deadline to file defense motions by January 12, 2024. On January 12, 2024, I expected to comply with that deadline by day's end. However, my wife and two young children all came down with the flu, leaving me as the sole caretaker in the home. This included taking one of my young children to the emergency room on January 13, 2024.

In light of this, I filed only the notice of motion timely and the remaining documents were all filed late on January 15, 2024. I apologize to the Court and the government for the late filing and any resulting inconvenience. Given the circumstances, I request that the Court accept defense motions and extend the government's time to answer appropriately.¹

If the Court has any questions, please feel free to reach out to my office. If the Court requires any further explanation on the above, I am happy to provide it in a non-public filing.

Thank you.

Respectfully Submitted,



Andrew M. J. Bernstein, Esq.

¹ The parties are engaged in advanced plea discussions, and I believe a resolution will be forth coming. I bring this to the Court's attention so that the Court is aware that a hearing on the motion will likely not go forward. If a plea agreement is reached, the parties will notify the Court as soon as practicable.